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Attorney for the Defendant,
Fausto Texeira Martins Neto

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FAUSTO TEXEIRA MARTINS NETO,

Defendant.

Case No. 2:17-cr-00001-JAD-DJA

**STIPULATION AND ORDER TO
CONTINUE SENTENCING**

[Third Request]

IT IS HEREBY STIPULATED AND AGREED by and between Telia Mary U. Williams, Esq., counsel for the defendant, Fausto Texeira Martins Neto, and Simon Kung, Esq., Assistant United States Attorney, counsel for the Government, that the Sentencing currently scheduled for December 21, 2020 at 11:00am, be vacated and reset to a time no sooner than a hundred twenty (120) days from December 21, 2020.

This Stipulation is entered into for the following reasons:

1. Counsel for the Defendant needs additional time to adequately prepare for sentencing, and to adequately confer with the Defendant which has been rendered

1 extremely difficult, if not impossible, due to the logistical problems that have been
2 presented with adhering to safety precautions called for by the pandemic of Covid-
3 19. That is particularly the case here, where the defendant does not speak English
4 fluently, and Counsel requires the assistance of only one of two Portuguese
5 interpreters in the jurisdiction, one of whom has been unavailable, and the other
6 who has had to take special precautions due to vulnerability to Covid-19
7 transmission.

8 2. The only feasible way to communicate with the Defendant, Fausto Texeira
9 Martins, is by video, which is through the Federal Public Defender's Office,
10 which, due to increased demand, and scarce resources, has requested that defense
11 counsel hold off and allow clients with emergencies and more urgent matters, such
12 as arraignments, detention hearings, and where applicable, evidentiary hearings
13 and trials, to take precedence. Thus, counsel for defendant has only had one video
14 meeting with the defendant since the start of the pandemic. This has not been
15 sufficient, in counsel's estimation, to properly prepare the defendant for his
16 sentencing.

17 3. Furthermore, the defendant believes that having one or more of his family
18 members appear, (particularly his mother), and perhaps testify, at his hearing will
19 be important and mitigating for sentencing. Mr. Neto's mother and other relatives
20 were planning to travel to Las Vegas, Nevada for Mr. Neto's sentencing hearing.
21 However, due to the worldwide precautions taken against Covid-19, the
22 defendant's family may not travel to the United States from Brazil. In addition,
23 Mr. Neto's mother has contracted the coronavirus and has been in the hospital for
24 treatment. She is expected to recover.

25 4. Counsel for the Government has no objection to this continuance.

26 5. The Defendant is in custody, but does not object to a continuance.

27 6. Denial of this request for continuance could result in a miscarriage of justice.

28 7. For all the above-stated reasons, the ends of justice would best be served by a

1 continuanace of the sentencing.

2 8. This is the third request for a continuance.

3
4 DATED: December 10, 2020

5 LAW OFFICE OF TELIA U. WILLIAMS

NICHOLAS A. TRUTANICH
UNITED STATES ATTORNEY

6 By: /s/ Telia U. Williams

7 By: /s/ Simon Kung

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19 *Attorney for Defendant,*
20 *Fausto Texeira Martins Neto*

Attorney for Plaintiff,
United States

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3
4 UNITED STATES OF AMERICA,

Case No. 2:17-cr-00001-JAD-DJA

5 Plaintiff,

ORDER

6 vs.

7 FAUSTO TEXEIRA MARTINS NETO,

8 Defendant.
9

10 **FINDINGS OF FACT**

11 Based on the Stipulation of counsel, and good cause appearing therefore, the court finds
12 that the Stipulation by, between, and among the United States, and defendant Fausto Texeira
13 Martins Neto, is entered into for the following reasons:

- 14
- 15 1. Counsel for the Defendant needs additional time to adequately prepare for
16 sentencing, and to adequately confer with the Defendant which has been
17 rendered extremely difficult, if not impossible, due to the logistical problems
18 that have been presented with adhering to safety precautions called for by the
19 pandemic of Covid-19. That is particularly the case here, where the defendant
20 does not speak English fluently, and Counsel requires the assistance of only
21 one of two Portuguese interpreters in the jurisdiction, one of whom has been
22 unavailable, and the other who has had to take special precautions due to
23 vulnerability to Covid-19 transmission.
 - 24 2. The only feasible way to communicate with the Defendant, Fausto Texeira
25 Martins, is by video, which is through the Federal Public Defender's Office,
26 which, due to increased demand, and scarce resources, has requested that
27 defense counsel hold off and allow clients with emergencies and more urgent
28 matters, such as arraignments, detention hearings, and where applicable,

1 evidentiary hearings and trials, to take precedence. Thus, counsel for
2 defendant has only had one video meeting with the defendant since the start of
3 the pandemic. This has not been sufficient, in counsel's estimation, to
4 properly prepare the defendant for his sentencing.

5 3. Furthermore, the defendant believes that having one or more of his family
6 members appear, (particularly his mother), and perhaps testify, at his hearing
7 will be important and mitigating for sentencing. Mr. Neto's mother and other
8 relatives were planning to travel to Las Vegas, Nevada for Mr. Neto's
9 sentencing hearing. However, due to the worldwide precautions taken against
10 Covid-19, the defendant's family may not travel to the United States from
11 Brazil. In addition, Mr. Neto's mother reportedly has contracted the
12 coronavirus and has been in the hospital for treatment.

13 4. Counsel for the Government has no objection to this continuance.

14 5. The Defendant is in custody, but has no objection to this continuance.

15 6. Denial of this request for continuance could result in a miscarriage of justice.

16 7. For all the above-stated reasons, the ends of justice would best be served by a
17 continuance of the sentencing hearing.

18 8. Counsel for Mr. Neto has requested a continuance of one hundred twenty (120)
19 days after the currently scheduled sentencing date.

20 9. This is the third request for a continuance.

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22 **CONCLUSIONS OF LAW**

23 Denial of this request for continuance would deny counsel for the Defendant, Fausto
24 Texeira Martins Neto, sufficient opportunity to confer with Mr. Neto, and adequately to prepare
25 for his sentencing.

26 As such, denial of this request for continuance could result in a miscarriage of justice.
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ORDER

IT IS HEREBY ORDERED that the sentencing currently scheduled for December 21, 2020 at 11:00am, be continued to April 26, 2021, at 11:00 a.m.

DATED this 16th day of December, 2020.


UNITED STATES DISTRICT JUDGE